

REMARKS

I. Formal Matters.

Claims 3-7 are currently pending in this application, and claims 1-2 are herein canceled. Applicant thanks the Examiner for considering the references cited via the Information Disclosure Statement (IDS) filed on May 15, 2001, as evidenced by his return of an initialled Form PTO-1449 to the office of the undersigned. Applicant now awaits the Examiner's return of an initialled Form PTO/SB/08 to signify his consideration of the references cited therein, which were submitted to the U.S. Patent and Trademark Office via an IDS filed on March 3, 2005.

II. Specification.

The Examiner objects to the amendment to the specification at page 2, paragraph [0013], lines 3-9, as filed on March 3, 2005, because it allegedly introduces new matter under 35 U.S.C. §132(a). An objection under 35 U.S.C. §132(a) is subject to supervisory review by petition under 37 C.F.R. §1.181. Applicant respectfully requests reconsideration of this objection by the Examiner in view of the following remarks. Applicant asserts that lines 3-9 of paragraph [0013] recite in words that which is clearly shown in Fig. 1 and that which is also supported by disclosure in the original specification. Lines 3-9 contain three sentences, and Applicant addresses each sentence in turn.

First, “[t]he Vocoder 2-5 is shown receiving an ATM cell of an ATM Adaptive Layer One Tandem Free Operation (AAL1 (TFO)), and converting the AAL1 (TFO) to an ATM cell of a modification of the ATM Adaptive Layer Type 2 (AAL2pf)” is clearly shown by the thick dashed line labeled ALL1 (TFO) extending to the edge of Vocoder 2-5 in Fig. 1. The conversion step is supported by paragraph [0032].

Second, looking at Fig. 1, a dashed line labeled AAL2pf is clearly shown between Vocoder 2-5 and ATM cell multiplexer/demultiplexer 2-4. A direction for this line is clearly shown by an arrow head at the end of the line. Therein, one of ordinary skill in the art would interpret this portion of Fig. 1 as “[t]he Vocoder 2-5 outputs modified ATM Adaptive Layer 2 (AAL2pf) to ATM cell multiplexer/demultiplexer 2-4.” This alleged new matter is further supported by the disclosure of paragraphs [0032] and [0033].

And third, “...upon return of the AAL2pf signal from ATM cell multiplexer/demultiplexer 2-4, the Vocoder 2-5 converts AAL2pf to AAL1 (PCM), Pure Code Modulation” is clearly shown by paths 3 to 4 in Fig. 1. This alleged new matter is further supported by the original disclosure, for example, at paragraphs [0016], [0024] and [0025]. In view of the preceding remarks, withdrawal of the objection to lines 3-9 of paragraph [0013] as containing new matter is asserted as being proper and respectfully requested.

III. 35 U.S.C. §102(e).

The Examiner rejects claims 1 and 2 as allegedly being anticipated by *Ostman, et al.* (U.S. Patent No. 6,483,838) ("*Ostman*") under 35 U.S.C. §102(e). Claims 1-2 are canceled via this Amendment without prejudice or disclaimer.

IV. Allowable Subject Matter.

The Examiner objects to claims 3-7 as being dependent upon a rejected base claim, but indicates that the same would be allowable if rewritten in independent form, including all of the limitations of the base claim and any intervening claims.

Claim 3 is rewritten into independent form, incorporating the subject matter of claims 1 and 2.

Claims 4-7 are asserted as being allowable at least by virtue of their dependence upon an allowable claim.

V. Response to Arguments.

The Examiner indicates that there is no official record of an IDS being filed on March 4, 2004. Accordingly, Applicant resubmits herewith copies of the IDS as originally filed, accompanied by a date-stamped receipt from the U.S. Patent and Trademark Office acknowledging its receipt thereof on March 4, 2004.

AMENDMENT UNDER 37 C.F.R. §1.111
U.S. SERIAL NO. 09/854,479

ART UNIT 2661
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In view of the preceding amendments and remarks, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue that the Examiner feels may be best resolved through a personal or telephonic interview, he is kindly requested to contact the undersigned at the local telephone number listed below.

The USPTO is directed and authorized to charge all required fees (except the Issue/Publication Fees) to our Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.


Respectfully submitted,

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